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CHARLES ELMORE CROPLEY
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IN THE

Supreme Court of the United States

No. 1048. OCTOBER TERM, 1942.

UNITED STATES OF AMERICA,
Petitioner,

v.

FRANK LAUDANI.

On Petition for a Writ of Certiorari to the United States Circuit Court of Appeals for the Third Circuit.

MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE BRIEF IN OPPOSITION.

HAROLD SIMANDL,
In Behalf of Frank Laudani,
24 Branford Place,
Newark, New Jersey.

Arthur W. Cross, Inc., Law Printers, 71-73 Clinton Street, Newark, N. J.

IN THE

Supreme Court of the United States

No. 1048. October Term, 1942.

United States of America, Petitioner, v. Frank Laudani.	On Petition for a Writ of Certiorari to the United States Circuit Court of Appeals for the Third Circuit.

Motion for Extension of Time Within Which to File Brief in Opposition.

Comes now, Frank Laudani, by Harold Simandl, Esquire, counsel, and moves this Honorable Court that it extend the time within which he may file his brief in opposition to the petition from the 17th day of June, 1943 until the 22nd day of July, 1943 for the following reasons:

1. Frank Laudani was confined in St. Catherine's Hospital, 133 Bushwick Avenue, Borough of Brooklyn, City of New York, suffering from a serious heart ailment, and his physician, Dr. Vincent Anello has advised counsel against conferring with him at present, as such a conference may seriously retard his recovery.*

2. Counsel has not been formally engaged to appear in behalf of Frank Laudani in these proceedings, but in the

* Dr. Vincent Anello's affidavit is annexed.

emergency has undertaken at his own expense to acquaint this Honorable Court with the facts and circumstances, in order that the interests of FRANK LAUDANI may be properly preserved. Counsel did represent him before the Circuit Court of Appeals for the Third Circuit, and was not paid for his services. A very substantial balance of the costs incurred in printing that appeal remains unpaid.

3. Should FRANK LAUDANI engage counsel to act for him, additional information is required in order to determine whether counsel should apply in his behalf, for leave to proceed in *forma pauperis*.

4. The petition was served on May 28, 1943. Counsel acquainted the Solicitor General with the facts stated herein, and the Solicitor General has authorized counsel to state to this Honorable Court that he does not oppose this motion.

HAROLD SIMANDL,
In behalf of Frank Laudani.

Motion for Extension of Time Within Which to File Brief in Opposition.

STATE OF NEW JERSEY, }
COUNTY OF ESSEX. } ss.:

HAROLD SIMANDL, being duly sworn, says:

1. I have read the foregoing motion, and the same is true to the best of my knowledge, information, and belief. The reason why this verification is not made by FRANK LAUDANI, is that his physician, Dr. Vincent Anello, has advised me against conferring with him at present, as such a conference may seriously retard his recovery. The affidavit of Dr. Vincent Anello is annexed hereto. This application is made in good faith and not for the purpose of delay.

HAROLD SIMANDL.

Sworn to before me this 9th day of June, 1943.

MARTIN M. KURTZ,
An Attorney at Law of New Jersey.

Affidavit of Vincent Anello.

COUNTY OF KINGS,
STATE OF NEW YORK, } ss.:

VINCENT ANELLO, being duly sworn upon his oath according to law deposes and says:

1. I am a duly licensed physician, practicing in the State of New York for more than twenty (20) years. I have specialized in cardiac diseases and was called into consultation by DR. JOSEPH CALTA GIRONE, the family physician of MR. FRANK LAUDANI, the defendant in the above entitled action.

2. I have had MR. FRANK LAUDANI under treatment since May 21, 1943 at which time he was seized with a severe heart attack. He was hospitalized on May 23, 1943 by ambulance in St. Catherine's Hospital, 133 Bushwick Avenue, Borough of Brooklyn, City of New York. He is suffering from chronic rheumatic heart disease with a marked cardiac failure. There is a distinct mitral insufficiency murmur in his heart action. He has improved under treatment and on June 8, 1943 was permitted to leave the hospital for his home. He will have to be confined in bed for a period of at least four (4) weeks. Any emotional disturbance at this time would not only retard his recovery, but might prove so aggravating to the present condition as to be fatal. In my opinion any conference with his attorneys respecting the criminal case brought against him by the United States

would be a disturbing emotional factor sufficient to so retard his recovery.

3. In my opinion should MR. LAUDANI progress as at present, he should be able to confer with his attorney about the middle of July.

VINCENT ANELLO, M. D.

Sworn and subscribed to before me
this 10th day of June, 1943.

OSCAR BERNHEIM,
Notary Public.

Queens Co. Clk's No. 4199 Reg. No. 4692.
Kings Co. Clk's No. 347 Reg. No. 4508.
Commission Expires March 30th, 1944.